



8-12-05

3743

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/027,394
Filing Date: 12/21/2001
Applicant: Bruce G. Kania
Title: Treatment Devices Providing Targeted Antimicrobial Action
Examiner/GAU: Kim M. Lewis/3743

PROVISIONAL ELECTION

The Honorable Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir:

In response to the Official Action mailed July 12, 2005, Applicant provisionally elects, with traverse, Group I, Claims 1-11 for further reexamination on the merits in the present application.

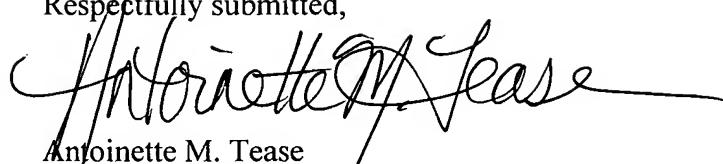
Applicant respectfully traverses the restriction requirement because the PTO has not carried forward its burden of proof to establish distinctness. In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicant respectfully traverses the outstanding election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the examiner.

Respectfully submitted,



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Antoinette M. Tease
August 11, 2005



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

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Application Number	10/027,394
Filing Date	12/21/2001
First Named Inventor	Bruce G. Kania
Art Unit	3743
Examiner Name	Kim M. Lewis

Attorney Docket Number

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Antoinette M. Tease, P.L.L.C.		
Signature			
Printed name	Antoinette M. Tease		
Date	08/11/2005	Reg. No.	53680

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Antoinette M. Tease

Date 08/11/2005

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